

REMARKS

This amendment is submitted in response to the non-final Office Action mailed on December 1, 2004. Claims 1-33 are pending in this application. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 7-12, 18, 20, 25, 27-28 and 30-33 are rejected under 35 U.S.C. §102, Claims 1-6, 13-17, 19, 21-24, 26 and 29 are rejected under 35 U.S.C. §103 and Claims 1-33 are provisionally rejected under obviousness-type double patenting. In view of the response set forth below, Applicants respectfully submit that the rejections should be withdrawn.

The specification has been amended to include the pet food having a length that is greater than the thickness. This language was found in originally filed Claim 1, among others, and thus this amendment does not constitute new matter.

In the Office Action, Claims 7-12, 18, 20, 25, 27-28 and 30-33 are rejected under 35 U.S.C. §102(b) as anticipated by EP 0645095 to Collings et al. ("*Collings*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Independent Claims 7, 18, 20, 25, 28 and 31 recite, among other things, a dried pet food having a density that ranges from about 16.8 lbs/ft³ to about 20 lbs/ft³. Contrary to these claims, *Collings* fails to disclose a dried pet food product having a density within the claimed range. For example, *Collings* discloses its dried pet food that was packaged in a sealed, air tight, 5" diameter x 8" (5 inch x 8 inch) cardboard cylinder canister that weighed 500 grams (1.111 lbs) when filled. See, *Collings*, page 6, lines 10-11. After performing the proper unit conversions, the calculated density of this dried pet food equals 12.2 lbs/ft³, which is well below the presently claimed range of pet food density. Indeed, *Collings* is unconcerned with reducing the density and increasing the size of the pet food product to provide a resultant product that can remove more plaque and tartar build-up than similar pet food products. In fact, *Collings* is directed entirely toward an expanded pet food product having improved resistance to breaking, which teaches away from the presently claimed invention. See, *Collings*, page 2, line 52 and page 5, lines 7-9. For the reasons discussed above, Applicants respectfully submit that Claims 7, 18, 20, 25, 28 and 31 and Claims 8-12, 27, 30 and 32-33 that depend from these claims are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 7-12, 18, 20, 25, 27-28 and 30-33 under 35 U.S.C. §102(b) be withdrawn.

In the Office Action, Claims 1-6, 13-17, 19, 21-24, 26 and 29 are rejected under 35 U.S.C. §103 as being unpatentable over *Collings* in view of U.S. Patent No. 5,431,927 to Hand et al. ("*Hand*"). Applicants believe these rejections are improper and respectfully traverse for at least the reasons set forth below.

In contrast to Claims 1-6, 13-17, 19, 21-24, 26 and 29, *Collings* fails to disclose or suggest the specific characteristics of the dried pet food as claimed, such as the combination of specific dimensional and density characteristics. *Hand* is entirely directed toward an expanded, striated structural matrix, which teaches away from *Collings* (disclosing a non-striated pet food product) as admitted in the Office Action dated July 30, 2003, page 4 and further teaches away from the present claims. As a result, the combination of *Collings* and *Hand* does not teach, suggest, or even disclose the claimed invention, and thus, fails to render the claimed subject matter obvious for at least these reasons.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claims 4-7 be reconsidered and the rejection be withdrawn.

Claims 1-33 have also been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-24 of co-pending Application 09/154,646, Claims 1-32 of co-pending Application 10/052,949 and Claims 1-20 of co-pending Application 09/936,672. Submitted with this response is a Terminal Disclaimer disclaiming the terminal part of any patent granted on the pending application extending beyond the expiration date of the following U.S. Patent Application Numbers 09/154,646, 10/052,949 and 09/936,672.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

~~BELL, BOYD & LLOYD LLC~~

BY _____

Robert M. Barrett
Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

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